UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/961,218	BROWN ET AL.
	Examiner	Art Unit	
	AJAY BHATIA	2445	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 December 2008</u>.

2a) ☒ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12 and 14-22</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-12 and 14-22</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Arguments

Since claims 9 and 16 have been amended the claim objections in relation to those claims have been withdrawn.

Even though examiner is not changing the grounds of rejection upon which the claims have been rejected and is able to go final first action, to expedite prosecution examiner has made the rejection non-final.

Applicant in arguing feature (a) of claim 1, that the present invention does not teach a UID the examiner disagrees. In paragraph 32, it discusses a series of processing steps that occur during PXE, one of which is providing a UID. It is clarified later in the reference applicant is suggested to review paragraphs 32, 35, and 38, which discusses multiple types of UIDs: UNDI, UUID.

In arguing the feature (b) of claim 1, applicant argues producing a ready signal, in the summary of the invention applicant provides an example of ready signal as "activating light emitting diodes (LEDs)" which has been specifically omitted from the independent claims and included in the dependant claims. Therefore examiner has interpreted as broadly as possible in light of the specification, since the specification does not provide a specific definition and applicant has specifically intended to more broadly claim a "ready signal" any signal after the UID is received. Therefore the ready signal is interpretable as the request to download the specified NBP.

In arguing the feature (c) applicant argues that Klimenko does not teach the "insertion of a disk within the host" examiner disagrees, Klimenko discuss Int 13, this is the interrupt used by BIOS to notify the system of the insertion of a disk. Therefore Klimenko anticipates this feature.

In arguing feature (d) applicant argues that prior fails to teach "associating a first host name with the UID for the first host" examiner disagrees, the reference discusses that a PXEClient tag is necessary from the client to complete the boot process. See paragraphs 35 and 43.

In arguing feature (e) applicant requires further clarification.   Examiner has cited from paragraphs 32, 35, 37, which discuss NBP and how the application will make use of request for configuration, once the system begins configuration the system is no longer booting, therefore this is a completion signal.

In arguing feature (g) applicant argues the feature "such that the user input dictates the order which host names are assigned to multiple host," since in paragraph 43 the PXE system must wait till the client is provided a PXEClient tag, the user is able to control the order, additionally Klimenko discusses the user input of the disk.

Therefore the prior art anticipates all of the features of claims 1-12 and 14-22. In arguing the claims 9-11 and 22 applicant repeats the arguments from claim 1, which are

addressed above. In addressing the 103 rejection applicant again relies upon the

arguments addressed above. Therefore applicant has not presented any arguments that

distinguishes the present invention from the prior art. Additionally the prior art uses the

same system of booting as the present invention of the pre execution boot environment

of (PXE) see Specification page 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 9-11, 16-18 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of

Klimenko (Patent Number 5,974,547).

Please note for the application of the prior art, "blank" is equivalent to "without

regard to what data, if any is stored on the disk" as per the remarks submitted by the

applicant 8/14/06 pages 10-11.

For claim 1, Paul teaches, a method for automatically naming hosts in a distributed data

processing system, the method comprising:

receiving unique identifiers (UID) at a cluster controller from each of a plurality of host in communication with the cluster controller, while at least one of the plurality of host is executing a pre boot execution environment (Paul, paragraphs 32, 35, 38, UUID)

in response to receiving the UIDs, causing the plurality hosts to produce ready signals; (Paul, paragraph 35, 38, DHCPDISCOVER)

in response to receiving the user input from the first host, associating a first host name with the UID for the first host; (Paul, paragraphs 35, 43, PXEClient tag)

after associating the first host name with the UID for the first host, causing the first host to produce a completion signal; (Paul, paragraphs 32, 35, 37, API request)

receiving user input from a second host among the plurality hosts; (Paul, paragraph 51) and

repeating the operations of receiving replies from hosts, associating host names with UIDs, and causing hosts to produce completion signals, until each of the plurality hosts has been named, such that the user input dictates the order in which host names are assigned to the plurality hosts. (Paul, paragraphs 52, 43, PXEClient tag)

Paul fails to clearly disclose, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host;

Klimenko teaches, receiving user input from a first host among the plurality hosts, the user input comprising notification of a disk within the first host; (Klimenko, Col. 4 lines 17-63, int 13)

Paul and Klimenko are both compatible with each other because they are based upon

the remote booting

Paul and Klimenko are both in the same filed of

It would have been obvious to on of ordinary skill in the art at the time of the

invention was made to combine Paul with Klimenko because by integrating Klimenko it

provides for cost saving at the enterprise level. (Klimenko, Col. 3 lines 43-46)

For claim 2, Paul-Klimenko teaches, the method of claim 1, wherein the operation of

associating a first host name with the UID for the first host comprises:

in response to receiving the user input from the first host, transmitting data to the

first host; (Klimenko, Col. 4 lines 17-63) and

after transmitting the data to the first host, receiving a reply from the first host,

such that the first host name is associated with the UID for the first host in further

response to the reply. (Paul, paragraph 35)

For claim 3, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index, wherein: (Paul,

paragraph 38)

the operation of transmitting data to the first host comprises transmitting the host-name index to the first host; (Paul, paragraph 35)

the operation of receiving a reply from the first host comprises receiving an incremented host-name index from the first host; and (Paul, paragraph 38)

the operation of associating a host name with the UID for the first host comprises using the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraph 38)

For claim 4, Paul-Klimenko teaches, the method of claim 2, further comprising:

providing the cluster controller with a host-name index and a host-name root; (Paul, paragraphs 35, 38) and

providing the multiple hosts with auto-naming logic, wherein: (Paul, paragraphs 35, 38)

the auto-naming logic causes the multiple hosts to transmit the UIDs to the cluster controller; (Paul, paragraphs 35, 38)

the auto-naming logic receives the index in the data from the cluster controller, increments the index, and transmits the incremented index to the cluster controller in the reply; (Paul, paragraphs 35, 38) and

the operation of associating a host name with the UID for the first host comprises using the host-name root and the host-name index to generate the host name to be associated with the UID for the first host. (Paul, paragraphs 35, 38)

For claim 6, Paul-Klimenko teaches, the method of claim 1, wherein the operation of

receiving user input from the first host comprises detecting that a blank disk has been

inserted into a disk drive of the first host. (Klimenko, Col. 4 lines 17-63) Please note for

the application of the prior art, "blank" is equivalent to "without regard to what data, if

any is stored on the disk" as per the remarks submitted by the applicant 8/14/06 pages

10-11.

Claims 9-11,16-18 and 22 are directed to the same invention as claims 1-4 and 6.

Therefore, the supporting rationale of the rejection to claims 1-4 and 6 applies equally

as well to claims 9-11,16-18 and 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 7, 8, 12, 14, 15, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Paul (U.S. Patent Application Publication 2002/0161868) in view of

Klimenko (Patent Number 5,974,547) in further view of Park (U.S. Patent 5,864,656).

For claim 5, Paul-Klimenko fails to clearly disclose, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named.

Park teaches, the method of claim 1, wherein the operation of causing the multiple hosts to produce ready signals comprises activating light emitting diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be named. (Park, Col. 1 lines 21-51, Col. 4 lines 11-16)

Park is compatible with Paul- Klimenko, because Park is design to interact with bios interrupt requests (Park, Col. 4 lines 11-18)

Park and Paul- Klimenko are both in the field network computer systems (Park Col. 1 lines 52-67)

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine Park with Paul- Klimenko because Park provides a method of observing the status of a device because it is possible that the device has recovers automatically. (Park, Col. 1 lines 60-67)

For claim 7, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises deactivating a light emitting diode (LED) on the first host. (Park, Col. 1 lines 21-51)

For claim 8, Paul-Klimenko-Park teaches, the method of claim 1, wherein the operation of causing the first host to produce a completion signal comprises producing an audible signal to indicate that the first host has been named. (Park, Col. 1 lines 21-51)and (Paul, paragraph 26)

Claims 12, 14, 15, 19, 20 and 21 are directed to the same invention as claims 5, 7, and 8. Therefore, the supporting rationale of the rejection to claims 5, 7, and 8 applies equally as well to claims 12, 14, 15, 19, 20 and 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

    Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/
Examiner, Art Unit 2445